



ATTORNEY DOCKET NO. 14114.0343U2

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
	)	
Carlone <i>et al.</i>	)	Art Unit: 1645
	)	
Application No. 09/623,038	)	Examiner: Devi, Sarvamangala JN
	)	
Filing Date: November 27, 2000	)	Confirmation No. 5598
	)	
For: EPITOPE PEPTIDES IMMUNOGENIC	)	
AGAINST <i>STREPTOCOCCUS</i>	)	
<i>PNEUMONIAE</i>	)	

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.  
Customer Number 52488

April 7, 2006

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated October 7, 2005, finally rejecting claims 2, 12, 20 and 23-26.

The item(s) checked below are appropriate:

1. ☒ An extension of time to respond to the final rejection:  
(a) ☐ was obtained for month(s).  
(b) ☒ is requested herewith under 37 C.F.R. § 1.136.
2. Payment in the amount of \$1,520.00 for the following fees is to be charged to a credit card and such payment is authorized by the signed, enclosed document entitled Credit Card Payment Form PTO-2038 to cover the following fees:

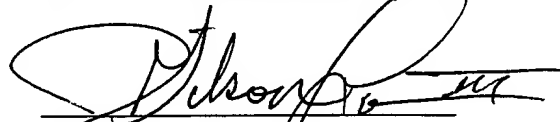
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- ☒ Appeal fee amount pursuant to 37 C.F.R. §41.20(b)(1) = \$500.00 LE
- ☒ Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(3) = \$1,020.00 – three month extension of time fee
3. ☐ Enclosed is a Pre-Appeal Brief Request for Review and \_\_\_\_ sheets of reasons.

The amount authorized in PTO-2038 is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



J. Gibson Lanier, Ph.D.

Registration No. 57,519

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CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.



J. Gibson Lanier, Ph.D.

Date

4/7/06